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COUNSEL FOR THE TRUSTEE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	Chapter 7
	§	
GENESIS NETWORKS TELECOM	§	Case No. 24-33835-MVL
SERVICES LLC	§	
Debtor.	§	
	§	

NOTICE OF DOCUMENT SUBPOENA

Laurie Dahl Rea, Chapter 7 Trustee (the “Trustee”) of the bankruptcy estate of Genesis Networks Telecom Services, LLC (the “Debtor” or “Genesis”), pursuant to Fed. R. Civ. P. 45(a)(4), provides notice of the issuance of the attached subpoenas to the following:

Texas Capital Bank on February 4, 2025
340 Singleton Blvd.
Dallas, Texas 75212

Calvetti Ferguson on February 4, 2025
700 Louisiana Street, Suite 2500
Houston, Texas 77002

Dated: February 5, 2025

Respectfully submitted,

ROCHELLE MCCULLOUGH, LLP

/s/ Shannon S. Thomas

Shannon S. Thomas (TX Bar No. 24088442)

Kevin D. McCullough (TX Bar No. 00788005)

901 Main Street, Suite 3200

Dallas, Texas 75202

Telephone: (214) 953-0182

Facsimile: (888) 467-5979

kdm@romclaw.com

sthomas@romclaw.com

COUNSEL FOR THE TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of February 2025, a true and correct copy of the above and foregoing document was served via ECF Electronic Notice on all parties registered to receive ECF service.

/s/ Shannon S. Thomas

Shannon S. Thomas

UNITED STATES BANKRUPTCY COURT

Northern

District of

Texas

In re Genesis Networks Telecom Services, LLC

Debtor

(Complete if issued in an adversary proceeding)

Case No. 24-33835Chapter 7

Plaintiff

v.

Adv. Proc. No. _____

Defendant

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)To: Texas Capital Bank

(Name of person to whom the subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See attached, Exhibit A**

PLACE Rochelle McCullough, LLP
901 Main Street, Suite 3200
Dallas, Texas 75202

DATE AND TIME
March 6, 2025

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE

DATE AND TIME

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: February 4, 2025

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Shannon S. Thomas
 Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party) Ch. 7 Trustee, Laurie Dahl Rea, who issues or requests this subpoena, are: Shannon S. Thomas, 901 Main Street, Ste 3200 Dallas, TX 75202; sthomas@romclaw.com; 214-580-2504

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (*name of individual and title, if any*): _____
on (*date*) _____ .

☒ I served the subpoena by delivering a copy to the named person as follows: Texas Capital Bank, 340 Singleton
Blvd., Suite 150, Dallas, Texas 75212 _____
_____ on (*date*) February 4, 2025 ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true and correct.

Date: February 4, 2025

/s/ Emily C. Moon

Server's signature

Emily C. Moon, Paralegal

Printed name and title

Rochelle McCullough, LLP
901 Main Street, Suite 3200
Dallas, Texas 75202

Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...
(g) Contempt. The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Exhibit A

1. All bank records, including but not limited to bank account statements, transaction details, check copies, bank account agreements, signature cards and all correspondence for any account in the name of Genesis Networks Telecom Services, LLC and / or Genesis-ATC between February 19, 2020 and present.

UNITED STATES BANKRUPTCY COURT

Northern District of Texas

In re Genesis Networks Telecom Services, LLC
Debtor

(Complete if issued in an adversary proceeding)

Case No. 24-33835

Chapter 7

Plaintiff
v.
Defendant

Adv. Proc. No.

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To: Calvetti Ferguson
(Name of person to whom the subpoena is directed)

☒ Production: **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attached, Exhibit A

PLACE	Rochelle McCullough, LLP 901 Main Street, Suite 3200 Dallas, Texas 75202	DATE AND TIME	March 6, 2025
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☐ Inspection of Premises: **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

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Date: February 4, 2025
CLERK OF COURT

OR
/s/ Shannon S. Thomas
Attorney's signature

Signature of Clerk or Deputy Clerk

The name, address, email address, and telephone number of the attorney representing (name of party) Ch. 7 Trustee, Laurie Dahl Rea, who issues or requests this subpoena, are: Shannon S. Thomas, 901 Main Street, Suite 3200, Dallas, TX 75202; sthomas@romclaw.com; (214) 580-2504

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (*name of individual and title, if any*): _____
on (*date*) _____ .

☒ I served the subpoena by delivering a copy to the named person as follows: via USPS: Attn: Jason Ferguson,
Calvetti Ferguson, 700 Louisiana Street, Suite 2500, Houston, Texas 77002
_____ on (*date*) February 4, 2025 ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true and correct.

Date: February 4, 2025

/s/ Emily C. Moon

Server's signature

Emily C. Moon, Paralegal

Printed name and title

Rochelle McCullough, LLP, 901 Main Street,
Suite 3200, Dallas, Texas 75202

Server's address

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(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

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(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) **Contempt.** The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Exhibit A - Schedule of Documents to be Produced

Calvetti Ferguson is hereby requested to produce all documents described below. In connection with such production, the definitions set forth below shall be utilized.

I. Definitions

1. “Debtor” shall mean the following: Genesis Networks Telecom Services, LLC and / or Genesis-ATC, FEIN #35-2378882.

2. “You” or “Your” means **Calvetti Ferguson** and any of its representatives, including but not limited to, any of its employees, associates, investigators, agents or attorneys and any other person acting for, on behalf of, or under its authority or control.

3. “Document” or “documents” means a writing as defined in Section 1001 of the Federal Rules of Evidence, and includes the original and all iterations of handwriting, typewriting, printing, photocopying, photographing, audio taping, filming, videotaping, as well as every other means of recording upon any tangible thing and every form of tangible communication or representation, including, without limitation, letters, words, pictures, computer disk, storage or printout, sounds, or symbols, or combination of them. Every draft or non-identical copy of a document is a separate document as that term is used herein.

4. The term “related to” shall mean in any way referring to, alluding to, responding to, relating to, connected with, connected on, connected to, in respect of, about, regarding, discussing, showing, recording, memorializing, describing, mentioning, reflecting, analyzing, constituting, pertaining to, evidencing, reflecting, containing, pertaining, indicating, showing, concerning, constituting, comprising, evidencing, recording, memorializing, describing, evaluating, considering, reviewing, reporting, demonstrating, discussing or mentioning.

II. Documents Requested

1. All papers, documents, communications and copies of returns in Your possession, custody or control that were received from or were created and maintained for the Debtor, from January 1, 2020 to the present, including but not limited to the following:

- a. Workpapers;
- b. Audit reports;
- c. Financial reports;
- d. Summaries;
- e. Reports and memorandums;
- f. Tax returns;
- g. Email and written communications;
- h. Financial records and disclosures provided by the Debtor; and
- i. Documentation related to Your engagement by the Debtor.

2. Business certification or affidavit prepared by Your custodian of records to authenticate the documents produced in response to the above requests. *See attached affidavit.*